



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

June 1, 1990
AO-90-21

Shannon P. O'Brien
90 Park Street
Easthampton, MA 01027

Dear Representative O'Brien:

This letter is in response to your request for an advisory opinion.

You have stated that you were sued by the campaign press director of your most recent opponent. The cause of action was libel based on certain statements made by you regarding the press director's actions during the campaign. The suit has been dropped, but you have one last bill for \$213 to pay for a deposition transcript. You would also like to be reimbursed for additional expenditures for such suit which you have already paid.

Section 6 of M.G.L. c.55 states, in pertinent part:

[A] political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate . . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use . . .

The regulations promulgated pursuant to section 6 of M.G.L. c.55 prohibit the payment of any expenses relative to civil suits or administrative proceedings except those "expenses relative to necessary legal action to protect or further the interests of the political committee." 970 C.M.R. 2.06(6)(a)(3)(c).

This office has previously permitted a candidate's committee to make expenditures in connection with a defamation suit brought by the candidate. (See AO-85-16.) The office noted that "expenditures to defray the legal costs of defamation action on behalf of a committee's candidate would only be permitted if that particular legal action is necessary to protect or further the interest of the political committee . . . In order for a political committee to incur such legal expenses . . . the context in which the defamation arose must be related to one's campaign

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for public office, such as issues emanating from campaign literature or appearances . . ."

It is the opinion of this office that expenditures by your political committee to reimburse you for legal expenses arising from the libel action described above would be permitted under section 6 of M.G.L. c.6 and the regulations promulgated thereunder.

We would note that because of the prohibition on the use of political funds to benefit the candidate or any other individual personally, any monetary damages which might be awarded in such an action should accrue to the benefit of the political committee and not the candidate or any other individual.

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c.55.

Should you have additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue
Director

MFM/wp